

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WALTER WARD,
Plaintiff

v.

TRAVIS COUNTY JAIL, ET AL.,
Defendants

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No. 1:24-CV-01486-RP-SH

**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

**TO: THE HONORABLE ROBERT PITMAN
UNITED STATES DISTRICT JUDGE**

Now before the Court is Walter Ward’s Complaint (Dkt. 1), filed December 3, 2023. The District Court referred this case to this Magistrate Judge for disposition of the application for *in forma pauperis* and for a report and recommendation as to whether it should be dismissed as frivolous under 28 U.S.C. 1915(e), pursuant to Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas and the Court Docket Management Standing Order for United States District Judge Robert Pitman. Dkt. 4.

I. Analysis

Plaintiff Walter Ward, a Pennsylvania resident, brings this civil rights suit under 42 U.S.C. § 1983 against Defendants the State of Texas; Travis County, Texas; the Bee Cave Police Department; County Court at Large; and Ed Castro. Plaintiff alleges that he was arrested and detained, in violation of his constitutional rights.

The Court granted Plaintiff *in forma pauperis* status under 28 U.S.C. § 1915(a)(1) on February 14, 2025. Dkt. 6. Because Plaintiff failed to allege sufficient details for the Court to properly evaluate his claims for frivolousness under 28 U.S.C. § 1915(a)(1), the Court ordered Plaintiff to file a More Definite Statement answering seven questions about his case by March 3, 2025. *Id.* at 4. The Court warned Plaintiff: “Failure

to fully comply with this Order by the deadline may result in the Court's recommendation that this case be dismissed." *Id.* Plaintiff has not filed a More Definite Statement.

A district court may dismiss an action *sua sponte* for failure to prosecute or to comply with any court order under Federal Rule of Civil Procedure 41(b). *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). Because Plaintiff failed to abide by a Court Order and to prosecute his case, this Magistrate Judge recommends that this case be dismissed without prejudice. *Id.*

III. Recommendation

This Magistrate Judge **RECOMMENDS** that the District Court **DISMISS** Plaintiff's case without prejudice under Rule 41(b).

IT IS FURTHER ORDERED that this case be removed from the Magistrate Judge's docket and returned to the docket of the Honorable Robert Pitman.

IV. Warnings

The parties may file objections to this Report and Recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The District Court need not consider frivolous, conclusive, or general objections. *See Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987). A party's failure to file written objections to the proposed findings and recommendations contained in this Report within fourteen (14) days after the party is served with a copy of the Report shall bar that party from de novo review by the District Court of the proposed findings and recommendations in the Report and, except on grounds of plain error, shall bar the party from appellate review of unobjected-to proposed factual findings and legal conclusions accepted by the District Court. *See* 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985); *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

SIGNED on March 6, 2025.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE